

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

DONALD SHERMAN,

Plaintiff,

V.

HAROLD WICKHAM, in his personal capacity; KIM THOMAS, in his personal capacity; WILLIAM GITTERE, in his personal capacity and in his official capacity as Deputy Director of Operations of the Nevada Department of Corrections; BRIAN WILLIAMS, in his official capacity as Deputy Director of Programs of the Nevada Department of Corrections; WILLIAM REUBART, in his personal capacity and in his official capacity as Warden of Ely State Prison; DAVID DRUMMOND, in his official capacity as Associate Warden of Ely State Prison; and TASHEENA COOKE, in her official capacity as Associate Warden of Ely State Prison.

#### Defendants.

Case No. 3:21-cv-00168-ART-CSD

## **ORDER APPROVING**

**STIPULATION TO EXTEND  
DEADLINE FOR FILING NOTICE  
RELATING TO PROPOSED RELIEF  
IN ACCORDANCE WITH THE  
COURT'S ORDER OVERRULING  
OBJECTIONS TO REPORT AND  
RECOMMENDATION (DKT. NO. 80)**

(Fourth Request)

Hon. Anne R. Traum  
Hon. Craig S. Denney

**STIPULATION TO EXTEND DEADLINE FOR FILING NOTICE RELATING TO****PROPOSED RELIEF**

On August 3, 2022, the Honorable Craig S. Denney issued a Report and Recommendation granting in part Plaintiff Donald Sherman's Renewed Motion for Preliminary Injunction. *See* Dkt. No. 62. In that order, the Court recommended that the motion be granted and that "the parties should be directed to meet and confer regarding the specifics" of Mr. Sherman's access to the sweat lodge, and that "[i]f the parties reach an agreement, they should be directed to file a stipulation with the court outlining their agreement within 21 days of the date of any order adopting and accepting this Report and Recommendation for the court's approval." *Id.* at 21.

On March 29, 2023, the Honorable Anne R. Traum issued an Order Overruling Defendants' Objections to Magistrate Judge Denney's Report and Recommendation. *See* Dkt. No. 80 ("Order"). In the Order, the Court ordered the parties to "meet and confer regarding the specifics of Sherman's access to the sweat lodge," and dictated that within 21 days of that order, the parties must file "a stipulation outlining their agreement for the Court's approval" or a notice indicating that they cannot reach an agreement. *Id.* at 17. Following the issuance of the Court's March 29, 2023 Order, the parties have met and conferred regarding the specifics of Mr. Sherman's sweat-lodge access, and their negotiations are ongoing.

On April 19, 2023, May 10, 2023, and May 31, 2023, the parties filed stipulations to extend the deadline for filing a notice of proposed relief relating to Mr. Sherman's sweat lodge access by 21 days. *See* Dkt. Nos. 81, 87, 90. The Court issued orders approving the parties' stipulations. *See* Dkt. Nos. 82, 88, 91.

Since the issuance of the Order, the parties have met and conferred regarding the specifics of Mr. Sherman's sweat lodge access. And since filing the stipulations, the parties have continued to engage in good faith negotiations. To permit the parties to continue conferring about Mr. Sherman's access, the parties stipulate, subject to the Court's approval, to extend the deadline to file a stipulation relating to Mr. Sherman's access or a notice relating to the parties' efforts by 21 days—to July 12, 2023. This is the fourth stipulation to extend the deadline in the

1 Court's March 29, 2023 Order, and is being made in the interest of conserving the parties' and  
2 the Court's resources and avoiding unnecessary motion practice.

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5 Respectfully submitted,

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Dated: June 21, 2023

O'MELVENY & MYERS LLP

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By: /s/ Daniel J. Tully  
Daniel J. Tully

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*Attorneys for Plaintiff Donald Sherman*

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Dated: June 21, 2023

LAW OFFICES OF KRISTINA  
WILDEVELD & ASSOCIATES

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By: /s/ Lisa A. Rasmussen  
Lisa A. Rasmussen

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*Attorney for Plaintiff Donald Sherman*

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Dated: June 21, 2023

OFFICE OF THE NEVADA ATTORNEY  
GENERAL

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By: /s/ Chris W. Davis  
Chris W. Davis

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*Attorney for Defendants Harold Wickham et al*

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**IT IS SO ORDERED.**

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Dated this 23rd day of June, 2023.



Honorable Anne R. Traum  
United States District Judge

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